

**Commercial Fishing NSW Advisory Council**  
**Meeting 7, 11 July 2018**  
**Rydges, 28 Albion Street, Sydney**

Members present	Stuart Richey AM (CommFish NSW Chair), Graeme Byrnes (Acting Chair, part day), John Luke, Greg Ryzy, Geoff Blackburn, Steven Everson, Mark Cranstone, Scott Massey, Mitchell Sanders, John Jarvis, Steve Hounsell, Greg Finn, David McPherson, Brad Mackay (Executive Officer NSW DPI).
Invited guests	<ul style="list-style-type: none"> <li>• Darren Hale – Senior Fisheries Manager, NSW DPI</li> <li>• Darren Reynolds – Senior Fisheries Manager, NSW DPI</li> <li>• Miranda Pade – Senior Policy Advisor</li> </ul>
Apologies	Darren Ward

## 1. Member Welcome, Introductions and Housekeeping

The Acting Chair (A/Chair) opened the meeting at 8:30am. The Aboriginal member acknowledged the traditional owners of the land, past and present, acknowledging that the meeting was being held on the traditional lands of the Cadigal people. The A/Chair welcomed all Council members and attending guests.

## 2. Review of Agenda

The A/Chair invited Council members to provide additional agenda items. No additional inclusions from members identified. The A/Chair advised of an addition to the agenda being an update on the NSW Penalty Demerit System.

## 3. Review, Declarations and update Register of Interests

The A/Chair asked all members to identify any pecuniary interests not previously disclosed on the distributed register of interests. The Estuary General member stated that he is no longer a member of the NSW Fisherman’s Cooperative Association.

**ACTION 7.1: The Executive Officer to amend the register of interests and distribute to Council members for further updates as required.**

## 4. Confirmation of Minutes from Meeting 6

The Council accepted the draft minutes from the sixth meeting held on 5/6 June 2018 in Ballina, without change, as a true and accurate record of discussions.

## 5. Actions Arising from Meeting 6

The Council reviewed previous actions and agreed that all had been completed.

The NSW DPI nominee updated the Council on the following matters regarding the Pittwater Working Group

- A meeting was held with some fishers and Council members to discuss potential options to address issues at Pittwater.
- As a result, the proposed Pittwater Working Group has been put on hold for the time being. It will be progressed if required at a later date.

**ACTION 7.2: Council support in principle the actions of NSW DPI, Council members in attendance and industry representatives in seeking resolution of the Pittwater issue.**

Action item 6.5 (also noted 4.8) – List of regulations for review

‘NSW DPI to:

1. Release the finalised list of regulations to industry for comment
2. Provide industry feedback to Council for review and prioritisation.’

**ACTION 7.3: Council recommends that NSW DPI make the list of regulations available to industry for feedback at the earliest opportunity and allow a period of four weeks for consultation.**

Action item 6.7 - Harvest strategies

‘The Council supports the development of fishery harvest strategies and receiving updates on this by NSW DPI.’

**ACTION 7.4: Invite Research Leader Fisheries Resource Assessment (NSW DPI) to attend the next Council meeting and provide an update on the development of fishery harvest strategies.**

Action item 6.11 - Mulloway Recovery Program

‘The Council recommends that:

1. Changes to net registration be implemented ASAP and suggest to coincide with new meshing season commencing 1 July 2018.
2. Allow time for industry to adjust to the proposed new 70cm mulloway LML applying to all fisheries and suggest implementing from 1 January 2019 after the current setting season.
3. NSW DPI to notify industry of changes to restrictions applicable to mulloway ASAP.

NSW DPI advised that the Minister supports the Council’s recommendations with an anticipated implementation date of 1 September 2018.’

**ACTION 7.5: Council support NSW DPI investigating a joint meeting this year with RFNSW.**

Action item 6.16 - Illegal fishing

‘Council supports that additional resources are allocated to compliance in the interest of maintaining integrity of fisheries resources. Council will discuss further prior to making any recommendations to the Minister and support the following:

1. MFAC Council representative to initially discuss with MFAC and RFNSW.
2. Abalone and NSW DPI Council members identify a draft strategy and proposed inclusions for further Council discussion and potential to draft a submission to RFNSW.
3. NSW DPI investigates potential for joint RFNSW meeting and public signage to assist education.
4. Including illegal fishing as a standing agenda item.’

The A/Chair noted that he has participated in discussions with RFNSW at the previous MFAC meeting and supports joint meeting occurring with RFNSW. Further Council discussion included:

- NSW DPI advised that internal discussions had been had on this issue.
- The need for improved powers in certain areas and reduced timeframe of getting matters to court.
- NSW DPI advised that investigations into signage are in progress.

**ACTION 7.6: NSW DPI and Abalone Council members to continue out of session discussions on measures to assist compliance and table at the next Council meeting.**

Action item 6.18, Release of correspondence

‘Members support releasing correspondence to recommendations made from the Council on topic of blue crab size limit and mulloway to be published on the Council webpage.’

The Executive Officer advised that this in is progress.

**ACTION 7.7: Executive officer to notify Council members once correspondence is available on the Councils public website.**

## **6. Correspondence (Moved forward 9:20am)**

### **6.1 Correspondence received**

Council members discussed the following correspondence received:

#### **6.1.1 - Estuary Prawn Trawl (EPT) member submission - Signage**

The Council discussed how the industry and community could benefit from commercial fishing signage and how certain organisations could assist in signage development.

**ACTION 7.8: Council supports NSW DPI, MFAC and Estuary General Members developing signage options in support of NSW commercial fishing for tabling at a future Council meeting.**

#### **6.1.2 Other Industry Portal submissions**

Submissions that had been received since the last meeting were provided to Council members for their information. Submission topics included:

- Setting of meshing nets in Port Stephens.
- Use of bait net in Port Stephens to catch Sandy sprat.
- Use of a flathead net in Myall Lakes.
- Prawn ballot draw region 4.

The members noted the relevance of these topics with the finalised list or regulations that is to be extended to industry.

**ACTION 7.9: NSW DPI to respond to individuals that have made submissions to the Council that have relevance to the list of regulations for review, indicating the received correspondence will be retained and included as a submission to the list of regulations for review.**

The Executive Officer advised that the correspondence that was received included topics that were considered operational NSW DPI matters. These submissions were not provided to Council members at the meeting. Council recommended that it is important to be provided all correspondence received for their information and consideration with matters identified as Operation to be referred back to DPI for response.

**ACTION 7.10: Executive Officer to provide all correspondence directed to CommFish NSW, regardless of topic for their information, including those considered NSW DPI operational.**

## **7. Strategic Agenda Item 1 – Industry Consultation**

NSW DPI introduced each topic, gave a summary of the submissions received and advised of the proposed way forward. NSW DPI advised that some proposals had changed as a consequence of industry submissions and that the arrangements of other jurisdictions were investigated when developing the proposed catch quota reporting requirements.

### **7.1 – Catch quota reporting – Ocean Trawl Fishery**

The Council discussed the DPI's proposals and the submissions received. Issues included the following:

- The trawl fishery taking relatively high volume and low value catches.
- All submissions supporting the requirement to estimate the weight of the catch in a pre-land report.
- Significant debate on the requirement to report weight to the nearest 100 grams.
- The additional time (revised from 3 to 6 hours) between when a pre-land and post-land report must be done should provide greater accuracy in the determination of the final weight of the catch.

**ACTION 7.11: Unanimous recommendation to support the NSW DPI proposals regarding catch quota reporting in the Ocean Trawl fishery.**

### **7.2 – Catch quota reporting – Ocean Trap and Line (Line eastern zone)**

The Council discussed the DPI's proposals and the submissions received. Issues included the following:

- The line east fishery not taking the relatively higher volume catches that the trawl fishery may.
- The proposed requirements to report to the nearest 100 grams and the 3 hour time period between pre-land and post-land reports

**ACTION 7.12: Unanimous recommendation to support the NSW DPI proposals regarding catch quota reporting in the line east fishery.**

### **7.3 – Catch quota reporting – Ocean Hauling (purse seine)**

The Council discussed the DPI's proposals and the submissions received. Issues included the following:

- The unique operation of purse seine fishing operations that deal with processing high volume catches of small pelagic fish.
- The additional time (revised from 3 to 72 hours) between when a pre-land and post-land report must be done should provide greater accuracy in the determination of the final weight of the catch.
- NSW DPI proposal aiming to cater for fishers who transport large quantities of catches to a premise for processing or packaging.

**ACTION 7.13: Unanimous recommendation to support the NSW DPI proposals regarding catch quota reporting in the purse seine fishery.**

#### **7.4 – Catch quota reporting – Estuary General (hand gathering)**

The Council discussed the DPI's proposals and the submissions received. Issues included the following:

- The ability for fishers to use the Interim Fishing Activity Report Book if the FisherMobile system is unavailable.

**ACTION 7.14: Unanimous recommendation to support the NSW DPI proposals regarding catch quota reporting in the hand gathering fishery.**

#### **7.5 – Effort quota reporting – Ocean Prawn Trawl**

The Council discussed the DPI's proposals and the submissions received. Issues included the following:

- Clarification that the proposals were for inshore and offshore prawn trawl share classes only.
- Clarification that a pre-fish report had to be made if try gear was being used.

**ACTION 7.15: Unanimous recommendation to support the NSW DPI proposals regarding effort quota reporting in the ocean prawn trawl fishery.**

#### **7.6 – Transfer rules for quota shares and quota – Ocean Prawn Trawl**

The Council discussed the DPI's proposals and the submissions received. Issues included the following:

- Various examples of how the transfer rules work in practice.
- The issue of quota shares is pending the Government's consideration of the Independent Allocation Panel report.
- Clarification that effort quota will be freely transferable between owners of inshore and offshore prawn trawl shares and quota shares will be able to be transferred to any fishing business excluding Abalone, Lobster, Inland or SUTS.

**ACTION 7.16: Unanimous support to support the NSW DPI proposals in regard to transfer rules for effort quota shares and quota for Ocean Prawn Trawl.**

The Chair arrived and thanked the A/Chair for managing Council proceedings in his absence.

#### **7.7 – Managing catches of quota species in share classes not subject to quota**

The Council discussed the DPI's proposals and the submissions received. Issues included the following:

- Discussion on the reasons why NSW DPI changed some of the proposals as a consequence of industry submissions.
- The Council sought clarification on the perch species that will be the subject of catch quota. Specifically, whether it is the Longfin or Orange Perch that are included in the basket quota.
- Consideration of risks associated with having catch limits set too high and the potential for individuals to target these quota species in share classes not subject to quota.

**ACTION 7.17: Unanimous support to support the NSW DPI proposals in regard to managing catches of quota species in share classes not subject to quota with the following conditions:**

- 1. Once quota system implemented, CommFish NSW to review arrangements and recommend any refinements if required.**
- 2. NSW DPI to provide out of session clarification of the perch species that will be the subject of catch quota.**

## **7.8 – Priority determinations – Prawn running nets**

The Council discussed the DPI's proposals and the submissions received. Issues included the following:

- Differences of current prawn running net priority determinations (ballots) between regions.
- No formal ballot arrangements currently apply to prawn running nets in region 4 or 6.
- NSW DPI noted that any savings for shareholders will be accounted for when the Estuary General fishery transitions to cost recovery.
- NSW DPI noted that submissions included no support for any changes to the current arrangements for region 4 and 6.

**ACTION 7.18: Unanimous support to support the NSW DPI proposals in regard to priority determinations for prawn running nets.**

## **7.9 – Priority determinations – Prawn set pocket nets**

The Council discussed the DPI's proposals and the submissions received. Issues included the following:

- With regard to the minimum number of endorsement holders that must operate a net, NSW DPI advised that it should be up to the individual fisher and optimum flexibility is delivered by having crew make their own decisions.
- NSW DPI advised that the decision to allow an additional prawn set pocket nomination for each additional 100 prawning shares held above minimum was announced by Government in 2016.
- Estuary Prawn Trawl member noted region 2 has been operated by industry previously.
- Council members noted that assistance to help industry transition to running their own ballots may be required. NSW DPI advised they are working on real time online reports that will list each prawning endorsement holder and the number of nominations they have for use by industry in ballots.

**ACTION 7.19: Unanimous support to support the NSW DPI proposals in regard to priority determinations for prawn set pocket nets, recommending that NSW DPI assist industry transition to running their own ballots.**

During the review of the proposals for each share class Council members noted the benefit to industry if catch and effort reporting could be linked to FisherMobile reporting.

**ACTION 7.20: NSW DPI investigates functionality of pre-populating catch and effort reports from completed FisherMobile reports.**

## **8. Compliance Penalty Demerit System (PDS) update**

The Chair introduced the NSW DPI nominee provide an update to Council members on the PDS, indicating that Cabinet has approved the draft in January 2018. Further discussion included:

- As a result of Council input there have been changes to the Class A offences.
- Consultation on the draft bill to be extended to industry, with short consultation period due to regard to time constraints.
- Advice from Council members is appreciated on any mechanisms that may assist enhancing industry's awareness of the bill and participation in providing feedback.
- Implementation of the PDS will consist of two phases, with demerit points applying to holders of commercial fishing licences only in phase 1 and to be implemented December 2018.
- Under phase 2, shareholders who nominate fishers to their fishing business may be exposed to demerit points being accrued on their shareholdings if the nominated fisher commits a demerit point offence.

**ACTION 7.21: Council members:**

1. **To assist NSW DPI by informing their networks and contacts within industry that the bill will be made available for review soon and industry feedback is welcome.**
2. **Recommend including in consultation under Class A offences the licences of quota will be suspended until court determination.**
3. **Recommend implementation date of phase 2 as December 2019.**

## **9. WORK HEALTH AND SAFETY**

The NSW DPI advised that there were no updates required since last meeting in regard to work health and safety. The Chair indicated that float free EPIRBs will be released in next couple of weeks and provided an update to Council members in regard to the clean-up of containers.

## **10. General Business (Continued – Additional discussion)**

The Chair called for additional items with Council discussion included:

- Several Council members indicating that invited industry stakeholders appreciated the opportunity to attend.
- Estuary General Member suggesting system issue in reporting catch and effort on FisherDirect and not allowing report when no effort undertaken in fishery with "days" regime.
- That the proposed teleconference to provide a key update on the NSW marine estate reforms is postponed and still to occur.
- Estuary Prawn Trawl member queried why certain boat registrations still required through NSW DPI, with Council members agreeing that further discussion required.
- Several Council members indicated that they recently received the physical business cards, with support for digital technology for compliance in reviewing fishing business details.
- Senior Policy Officer indicated that the Ministers office have appreciated members advice and impressed by Councils outputs to date.
- The Chair indicated that this would likely be the current Executive Officers last Council meeting, with Council members thanking Executive Officer for his contributions in organising meetings held so far.

**ACTION 7.22: The Council recommends:**

1. **NSW DPI investigates the issues raised in regard to FisherMobile and catch and effort reporting system errors.**
2. **Further discussion on boat licences to be included at a future Council meeting.**

3. Including discussing changes to NSW DPI Fisheries compliance practices with onset of mobile reporting systems at a future Council meeting.

## **11. Next Meeting Confirm Date and Location**

The Chair confirmed that next meeting will be 21/22 of November 2018, commencing at 11am in Sydney and indicated that members to be advised of further details in regard to proposed teleconference.

**ACTION: 7.23: Executive officer to liaise with Council members in regard to date for teleconference to further discusses quota species inclusion in line east quota.**

### **Meeting Close**

The Chair closed the meeting at 4:30pm and thanked Council members for their contributions and invited guests for their attendance.

## ACTION Arising List

Meeting#	Action#	Action	Status
7	1	The Executive Officer to amend the register of interests and distribute to Council members for further updates as required.	Executive Officer
7	2	Council support in principle the actions of NSW DPI, Council members in attendance and industry representatives in seeking resolution of the Pittwater issue.	All members
7	3	Council recommends that NSW DPI make the list of regulations available to industry for feedback at the earliest opportunity and allow a period of four weeks for consultation.	NSW DPI
7	4	Invite Research Leader Fisheries Resource Assessment (NSW DPI) to attend the next Council meeting and provide an update on the development of fishery harvest strategies.	NSW DPI
7	5	Council support NSW DPI investigating a joint meeting this year with RFNSW.	NSW DPI
7	6	NSW DPI and Abalone Council members to continue out of session discussions on measures to assist compliance and table at the next Council meeting.	NSW DPI nominee /Abalone member
7	7	Executive officer to notify Council members once correspondence is available on the Councils public website.	Executive Officer
7	8	Council supports NSW DPI, MFAC and Estuary General Members developing signage options in support of NSW commercial fishing for tabling at a future Council meeting.	NSW DPI/ MFAC & EG members
7	9	NSW DPI to respond to individuals that have made submissions to the Council that have relevance to the list of regulations for review, indicating the received correspondence will be retained and included as a submission to the list of regulations for review.	NSW DPI
7	10	Executive Officer to provide all correspondence directed to CommFish NSW, regardless of topic for their information, including those considered NSW DPI operational.	Executive Officer
7	11	Unanimous recommendation to support the NSW DPI proposals regarding catch quota reporting in the Ocean Trawl fishery.	All members
7	12	Unanimous recommendation to support the NSW DPI proposals regarding catch quota reporting in the line east fishery.	All members
7	13	Unanimous recommendation to support the NSW DPI proposals regarding catch quota reporting in the purse seine fishery.	All members
7	14	Unanimous recommendation to support the NSW DPI proposals regarding catch quota reporting in the hand gathering fishery.	All members
7	15	Unanimous recommendation to support the NSW DPI proposals regarding effort quota reporting in the ocean prawn trawl fishery.	All members
7	16	Unanimous support to support the NSW DPI proposals in regard to transfer rules for effort quota shares and quota for Ocean Prawn Trawl.	All members
7	17	Unanimous support to support the NSW DPI proposals in regard to managing catches of quota species in share classes not subject to quota with the following conditions:	All members

		<ol style="list-style-type: none"> <li>1. Once quota system implemented, CommFish NSW to review arrangements and recommend any refinements if required.</li> <li>2. NSW DPI to provide out of session clarification of the perch species that will be the subject of catch quota.</li> </ol>	
7	18	Unanimous support to support the NSW DPI proposals in regard to priority determinations for prawn running nets.	All members
7	19	Unanimous support to support the NSW DPI proposals in regard to priority determinations for prawn set pocket nets, recommending that NSW DPI assist industry transition to running their own ballots.	All members
7	20	NSW DPI investigates functionality of pre-populating catch and effort reports from completed FisherMobile reports.	NSW DPI
7	21	<p>Council members:</p> <ol style="list-style-type: none"> <li>1. To assist NSW DPI by informing their networks and contacts within industry that the bill will be made available for review soon and industry feedback is welcome.</li> <li>2. Recommend including in consultation under Class A offences the licences of quota will be suspended until court determination.</li> <li>3. Recommend implementation date of phase 2 as December 2019.</li> </ol>	All members/ NSW DPI
7	22	<p>The Council recommends:</p> <ol style="list-style-type: none"> <li>1. NSW DPI investigates the issues raised in regard to FisherMobile and catch and effort reporting system errors.</li> <li>2. Further discussion on boat licences to be included at a future Council meeting.</li> <li>3. Including discussing changes to NSW DPI Fisheries compliance practices with onset of mobile reporting systems at a future Council meeting.</li> </ol>	All members/ NSW DPI
7	23	Executive officer to liaise with Council members in regard to date for teleconference to further discuss quota species inclusion in line east quota.	Executive Officer